

Application No.: 10/782,727
Filing Date: February 18, 2004

REMARKS

Claims 1-43 were pending in the present application. Claims 34-43 have been cancelled. Claims 1-33 remain pending and have not been amended.

Board Decision and remaining rejections

The decision by the Board of Patent Appeals and Interferences ("Board") dated February 18, 2009 affirmed the provisional obviousness-type double patenting rejection of Claims 1-43, the §102 rejections of Claims 34-36 and 39-42 and the §103 rejections of Claims 37, 38 and 43. The §102 rejections of Claims 1-9, 11, 13, 16, 18, 20, 21, 26, 27 and 30-32 and the §103 rejections of Claims 10, 12, 14, 15, 17, 19, 22-29 and 33 have been reversed by the Board.

Accordingly, with respect to Claims 1-33 only a provisional obviousness-type double patenting rejection remains. To overcome this rejection, Applicants submit herewith a terminal disclaimer in accordance with 37 C.F.R. § 1.321. For at least the forgoing reasons, the Applicants respectfully submit that Claims 1-33 are in condition for allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

| Docket No. | Serial No. | Title | Filed |
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| ASMMC.050AUS | 10/428,207 | METHOD AND APPARATUS FOR DEPOSITING THIN FILMS ON A SURFACE | 04/29/03 |
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 16, 2009

By: 

Rabinder N. Narula
Registration No. 53,371
Attorney of Record
Customer No. 20,995
(949) 760-0404

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